

**NINTH DAY**

(February 1, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday was dispensed with and the Journal was approved.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
February 1, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 10, Relating to the appointment of the Poet Laureate of the State of Texas.

S. C. R. No. 12, Recognizing Mrs. Hilda B. Weinert for her meritorious services to the State, the Nation, and the Democratic Party.

H. C. R. No. 26, Relative to the establishment of Lyndon B. Johnson State Park.

Respectfully submitted,

**DOROTHY HALLMAN,**  
Chief Clerk, House of Representatives

**Resolution Signed**

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 8, In memory of Sir Winston Churchill.

**Report of Standing Committee**

Senator Hardeman submitted the following report:

Austin, Texas,  
February 1, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. B. No. 111, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

**HARDEMAN, Chairman.**

**Senate Concurrent Resolution 17**

Senator Parkhouse offered the following resolution:

S. C. R. No. 17, Authorizing Board of Trustees of Employees Retirement System to purchase site and erect building.

Whereas, The Board of Trustees of the Employees Retirement System of Texas has requested Legislative advice concerning the acquisition of suitable real property and the construction of an office building for the System; and

Whereas, Projections of the Employees Retirement System indicates that within twenty years the number of members, the personnel employed by the System, and the office space needed for handling records, accounts and equipment will more than double; and

Whereas, The present offices of the Employees Retirement System are inadequate in both space and arrangement; and

Whereas, The building should be conveniently located to the Capitol area and accessible through transportation by bus and should also provide parking for the retired members who are physically unable to walk any great distance to and from parking areas; and

Whereas, Under the provisions of the Retirement Act, funds are avail-

able to acquire both the land and the building contemplated by the Board of Trustees of the Employees Retirement System, and the cost of both land and building should be amortized in approximately ten years through savings of the rent currently being paid from the funds of the System; and

Whereas, It will not require any additional legislation other than this resolution for the Board of Trustees to acquire such land and construct a building for the Employees Retirement System to be paid from the Expense Fund; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the Board of Trustees of the Employees Retirement System of the State of Texas be authorized to purchase a suitable site and to erect thereon a building adequate to house the employees and the files of such System.

PARKHOUSE  
HARDEMAN  
AIKIN  
HERRING  
RICHTER

The resolution was read and was referred to the Committee on State Affairs.

#### Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time and referred to the Committees indicated:

By Senators Krueger, Parkhouse and Blanchard:

S. B. No. 126, A bill to be entitled "An Act creating a Water Resources Institute of Texas; providing for an executive committee, members, and location; providing authority, scope and responsibility for the Institute; providing for advisory committees; authorizing contracts with other State and Federal institutions, departments and agencies; stipulating that all monies received be deposited with the State Treasurer; authorizing acceptance of gifts; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Blanchard:

S. B. No. 127, A bill to be entitled "An Act relating to the creation of an additional District Court for Lubbock

County, Texas to be known as the District Court of the 137th Judicial District of Texas; and declaring an emergency."

To the Committee on Finance.

By Senator Blanchard:

S. B. No. 128, A bill to be entitled "An Act directing the Commisisoners Court of Lubbock County to supplement the salary of the District Judge of the 137th Judicial District of Texas; making other provisions relating thereto; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Blanchard:

S. B. No. 129, A bill to be entitled "An Act making it unlawful to knowingly make or cause to be made certain false statements in relation to real and personal property transactions, increasing the penalties for violations and providing for enhancement of punishment for subsequent violations; amending Chapter 168, General Laws, Acts of the 39th Legislature, Regular Session, 1925; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Blanchard and Krueger:

S. B. No. 130, A bill to be entitled "An Act concerning the prevention, control and eradication of the disease of tuberculosis; imposing certain responsibilities and duties upon the State Board of Health, the Commissioner of Health and other State officials relating thereto; transferring the custody, maintenance, operation and control of the State tuberculosis hospitals from the State Board for Hospitals and Special Schools to the State Board of Health, and making other provisions relating thereto; making the provisions of this Act cumulative to the provisions of House Bill 421, Acts of the 56th Legislature, Regular Session, 1959, Chapter 181, codified in Vernon's as Article 4477-11, Vernon's Civil Statutes; requiring persons licensed to practice medicine in this State to file reports and certificates relating to tuberculosis with the State Board of Health, requiring certain persons to obtain medical certificates relating to tuberculosis from persons licensed to practice medicine in this State, requiring such certificates to be filed with the State Board

of Health and other named officials; requiring school personnel to be examined for tuberculosis and making other provisions relating thereto; amending Acts of the 58th Legislature, Regular Session, 1963, Chapter 43, codified in Vernon's as Article 3174b-5, Vernon's Civil Statutes; authorizing the State Board of Health to employ a director of tuberculosis services, authorizing the employment of other employees, and making other provisions relating thereto; providing for the creation of an advisory committee and the creation of a credentials committee to aid the State Board of Health and other officials in carrying out the provisions of this Act; providing a severability clause; and declaring an emergency."

To the Committee on Public Health.

By Senator Snelson:

S. B. No. 131, A bill to be entitled "An Act amending Paragraph c. Subsection (4), Article III, Chapter 334, Acts of the 51st Legislature, 1949, as amended, to authorize and provide for supervisor professional unit allotments for school district exceptional children education programs, constituting same a part of the Foundation School Program Act and cost thereof; prescribing a formula for determination of such unit allotments; providing such allotments shall be effective for 1965-66 and thereafter; and declaring an emergency."

To the Committee on Education.

By Senator Watson:

S. B. No. 132, A bill to be entitled "An Act authorizing the Parks and Wildlife Commission to quitclaim the state's interest in Independence State Park, known as the Old Baylor property, to Baylor University; and declaring an emergency."

To the Committee on State Affairs.

By Senator Richter:

S. B. No. 133, A bill to be entitled "An Act relating to the organization, powers, and functions of the Texas Commission on Higher Education and to the political subdivisions that may establish junior college districts, under the commission's supervision; amending Sections 1, 4, 8, 10, 11, 13, and 17, Chapter 487, Acts of the 54th Legislature, 1955, as amended; Sections 1, 2, 3, and 11, Chapter 290, Acts

of the 41st Legislature, Regular Session, 1929, as amended; and Chapter 160, Acts of the 56th Legislature, Regular Session, 1959; repealing Sections 1(a), 12, 17, 17(a), 18 and 19, Chapter 290, Acts of the 41st Legislature, Regular Session, 1929, as amended; Chapter 37, page 684, Special Laws, Acts of the 46th Legislature, 1939 (Article 2815h-3, Vernon's Texas Civil Statutes); and Chapter 483, Acts of the 47th Legislature, Regular Session, 1941 (Article 2815j-1, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on Education.

By Senator Creighton:

S. B. No. 134, A bill to be entitled "An Act conferring on the Parks and Wildlife Commission regulatory responsibility over the taking of wildlife resources in all counties of the State of Texas; and declaring an emergency."

To the Committee on Game and Fish

By Senators Cole and Bates:

S. B. No. 135, A bill to be entitled "An Act amending the Veterans' Land Board-Veterans' Land Fund Act, being Chapter 318, Acts of the Fifty-first Legislature, Regular Session, 1949, as amended, providing for the issuance and sale of Veterans' Land Bonds; providing for certain moneys and lands to comprise the Veterans' Land Fund; providing for the repayment of the principal and interest due on Veterans' Land Bonds, investments of the moneys of the Veterans' Land Fund, certain uses of the moneys of the Fund, for the negotiability of Veterans' Land Bonds, declaring Veterans' Land Bonds to be legal investments under certain circumstances, for the purchase of Veterans' Land Bonds on the open market and cancellation of the indebtedness represented thereby; providing for certain expenses to be paid out of certain moneys of the Veterans' Land Fund; providing for the purchase of lands with certain moneys of the Veterans' Land Fund; providing for the purchase, subdivision and sale or resale of lands by the Veterans' Land Board and the payment of certain expenses out of certain moneys of the Veterans' Land Fund; providing for the purchase and sale of land selected by veterans; providing generally for the sale of land acquired by the Veterans' Land Board, for the transfer, sale or conveyance of

land by veterans and their heirs or assigns, for leases by veterans and their heirs and assigns, for the prohibition of certain transactions by veterans and their heirs or assigns and exceptions thereto, and for the issuance of deeds by the Chairman of the Veterans' Land Board and the effect thereof; providing a savings and severability clause; making the Act cumulative; and declaring an emergency."

To the Committee on Military and Veterans Affairs.

By Senators Bates and Schwartz:

S. B. No. 136, A bill to be entitled "An Act amending Section 3 of Chapter 6, Acts of the Forty-third Legislature, First Called Session, 1933, as added by Chapter 337, Acts of the Forty-eighth Legislature, 1943, (compiled as Section 3 of Article 2654b-1 of Vernon's Annotated Civil Statutes) to provide that orphans of members of the Texas National Guard and the Texas Air National Guard killed since January 1, 1946, while on active duty may receive benefits by way of exemption from certain fees at state-supported institutions of higher learning; and declaring an emergency."

To the Committee on Education.

By Senator Bates:

S. B. No. 137, A bill to be entitled "An Act relating to the application of pesticides and licensing commercial applicators; providing a penalty; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senators Moore, Kennard and Snelson:

S. B. No. 138, A bill to be entitled "An Act amending Chapter 487, Acts of the 54th Legislature, Regular Session, 1955; (codified as Article 2919e, Vernon's R. C. S.) reconstituting the Texas Commission on Higher Education as the Coordinating Board, Texas College and University System; providing for appointment of its members and their terms of office; providing for filling vacancies in its membership; providing for expenses of members; prescribing time and place of meetings; providing for rules and regulations for the transaction of its business; providing for hearings before the Board; authorizing employment of personnel and prescribing the qualifications of the

Commissioner; providing for advisory committees; prescribing the purposes, duties and functions of the Board; imposing certain duties on all public institutions of higher learning and other State agencies; providing for reports to the Governor and to the Legislature; repealing Chapter 160, Acts of the 56th Legislature, Regular Session, 1959, (codified as Article 2815k-2, Vernon's R.C.S.) and transferring administration of the Public Junior Colleges from the Central Education Agency to the Coordinating Board herein established; repealing the provisions of Chapter 488, Acts of the 56th Legislature, Regular Session, 1959, (codified as Article 2919e-2, Vernon's R.C.S.) and all other laws or parts of laws inconsistent with the provisions of this Act; providing a severability clause, and declaring an emergency."

To the Committee on State Affairs.

By Senator Moore:

S. B. No. 139, A bill to be entitled "An Act amending Article 46c, Section 6, Chapter 344, Acts of the 49th Legislature, 1945, as amended and renumbered, by adding Subdivision 10 relating to the grant or loan of appropriated funds to incorporated cities for the construction of airports and navigational facilities; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Moore:

S. B. No. 140, A bill to be entitled "An Act making unlawful the hiring of strikebreakers by any person, firm or corporation not directly involved in a labor strike or lockout; providing exemptions; making unlawful the transportation into the State of strikebreakers by any person, firm or corporation not directly involved in a labor strike or lockout; defining terms; providing further exceptions; providing penalties provided for separability; repealing all laws in conflict; and declaring an emergency."

To the Committee on Labor and Management Relations.

By Senator Creighton:

S. B. No. 141, A bill to be entitled "An Act to be known as the Uniform Commercial Code, Relating to Certain Commercial Transactions in or re-

garding Personal Property and Contracts and other Documents concerning them, including Sales, Commercial Paper, Bank Deposits and Collections, Letters of Credit, Bulk Transfers, Warehouse Receipts, Bills of Lading, other Documents of Title, Investment Securities, and Secured Transactions, including certain Sales of Accounts, Chattel Paper, and Contract Rights; Providing for Public Notice to Third Parties in Certain Circumstances; Regulating Procedure, Evidence and Damages in Certain Court Actions involving such Transactions, Contracts or Documents; to Make Uniform the Law with Respect Thereto; Repealing Inconsistent Legislation; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 142, A bill to be entitled "An Act amending House Bill 450, Acts of the 58th Legislature, Regular Session, 1963, Chapter 72, codified as Article 1970-324 of Vernon's Civil Statutes; amending Senate Bill 350, Acts of the 58th Legislature, Regular Session 1963, Chapter 127, codified as Article 1970-324a of Vernon's Civil Statutes; providing for exchange of benches of the County Court at Law No. 1 and the County Court at Law No. 2 of Travis County, Texas; conforming the terms of office of Judges of the County Courts at Law of Travis County, Texas, to the provisions of Section 65 of Article XVI of the Constitution of Texas; prescribing the jurisdiction of the County Courts at Law of Travis County, and the Judges thereof; providing the terms of Court of the County Courts at Law of Travis County, and prescribing the compensation and qualifications of the Judges thereof; making other provisions relating to the organization and jurisdiction of the County Courts at Law of Travis County, Texas, providing a severability clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 143, A bill to be entitled "An Act amending and revising Senate Bill 151, Acts of the 58th Legislature, 1963, and transferring to the State Board of Education all lands, funds, and property belonging to or purchased for the Texas Blind, Deaf and Orphan School; providing that the State Board of Education shall

have exclusive jurisdiction and control over the Texas Blind, Deaf, and Orphan School; prescribing certain duties of the Commissioner of Education of the State Board of Education; providing for jurisdiction over all physical assets; providing that all appropriations, grants, and gifts made for the benefit of the Texas Blind, Deaf and Orphan School shall be administered and expended by the State Board of Education; changing the name of the Texas Blind, Deaf and Orphan School, so as to be hereinafter known as the Texas Blind and Deaf School; repealing conflicting laws; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

By Senators Parkhouse, Krueger, Cole, Bates and Richter:

S. B. No. 144, A bill to be entitled "An Act authorizing the further issuance of One Hundred Million Dollars (\$100,000,000) in Texas Water Development Bonds; providing for the use of the proceeds from the sale of such bonds; and declaring an emergency."

To the Committee on Water and Conservation.

By Senators Parkhouse, Krueger, Cole, Bates and Richter:

S. B. No. 145, A bill to be entitled "An Act concerning water resources and water rights and water resources and water rights administration; further amending Article 7477 of the Revised Civil Statutes of Texas, 1925, as amended; changing the name of the Texas Water Commission to the Texas Water Rights Commission; defining certain terms; providing for the appointment and terms of office of the members of the Texas Water Rights Commission; providing for rules and regulations; providing for biennial reports; providing for the appointment of an Executive Director; providing for the transfer of records and equipment; providing for the administration of permits to appropriate public waters; declaring legislative intent with regard to cancellation of unused permits and certified filings; providing that certain Acts and laws heretofore referring to the State Board of Water Engineers and its successors shall hereafter be deemed to refer to the Texas Water Rights Commission; providing that the Attorney General shall be the

legal advisor of the Commission and other legal counsel may be employed subject to the consent of the Attorney General; providing for cooperation with the United States and other state agencies; providing for appeals from rulings of the Commission; providing for copies of Commission records and rulings; amending Acts 1925, 39th Legislature, p. 25, Sec. 3c, as amended, relating to the designation of underground water reservoirs and subdivisions thereof; providing a savings clause; providing for severability; repealing certain laws; providing an effective date; and declaring an emergency."

To the Committee on Water and Conservation.

By Senators Parkhouse, Krueger, Cole, Bates and Richter:

S. B. No. 146, A bill to be entitled "An Act concerning water resources administration and development; amending Acts 1957, 55th Legislature, Chapter 425 relating to the Texas Water Development Board; creating the Texas Water Development Board, providing for its membership and specifically ratifying and confirming all acts heretofore performed by the pre-existing Board of the same name; providing for the method, manner and mechanics of issuing Texas Water Development Bonds; providing anticipatory legislation and amending authority for the Texas Water Development Board in the event Article III, Sec. 49-d of the Constitution is amended; providing for powers and duties of the Texas Water Development Board, including the transfer of certain powers, duties, responsibilities and functions formerly exercised by the Texas Water Commission; providing for the appointment of an Executive Director; amending the provisions for participation of the Texas Water Development Board in water projects by the use of the Texas Water Development Fund under Article III, Sections 49-c and 49-d of the Constitution of Texas; providing for biennial reports; designating the Texas Water Development Board as co-sponsor of all projects constructed by the United States or any agency of the United States; providing a savings clause; providing a severability clause; repealing certain statutes and laws and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Parkhouse:

S. B. No. 147, A bill to be entitled "An Act relating to murder by arson and wilful burning; amending Article 1325, Vernon's Penal Code (O. C. 707), to provide for a punishment where death by arson or wilful burning is occasioned without malice aforethought; providing for severability; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Reagan, Krueger, Richter, Patman, Watson, Hightower, Kazen, Calhoun, Herring, Kennard, Creighton, Cole, Snelson, Strong and Hazlewood:

S. B. No. 148, A bill to be entitled "An Act relating to mental health; creating the Texas Department of Mental Health and prescribing its organization, powers, duties, and functions; transferring to the new department certain powers, duties, functions, property, records, and personnel of the State Department of Health and of the Board for Texas State Hospitals and Special Schools; making provision for the reporting and use of data related to the condition and treatment of patients; providing for the establishment and organization of community mental health centers, and prescribing their powers and duties; authorizing grants-in-aid by the state under certain conditions; and declaring an emergency."

To the Committee on State Affairs.

By Senator Richter:

S. B. No. 149, A bill to be entitled "An Act to provide financial support from State Funds on a limited basis for the development of instructional television services toward the enhancement of classroom instruction in the public elementary and secondary school system of Texas; providing and prescribing for the reimbursement of a portion of the cost thereof by and pursuant to regulations of the Central Education Agency from the Foundation School Fund; making the Act effective for the school year beginning 1965-1966 and thereafter; and declaring an emergency."

To the Committee on Education.

By Senator Hazlewood:

S. B. No. 150, A bill to be entitled "An Act relating to professional sanitarians; providing for a procedure for Registration of Professional San-

itarians; and prescribing its powers; duties and functions; dealing with qualifications, appointment, removal, compensation and expenses of members thereof; providing for registration of professional sanitarians and sanitarians in training, and for issuance, renewal, revocation, and reinstatement of certificates of registration, and fixing fees therefor; providing for expenditure of funds collected under provisions of the Act and fixing purposes for which such funds may be used; prohibiting use of the title or designation of "sanitarian" in any public or private employment in this State unless the person employed is registered hereunder; Exempting Physicians, Dentists, Engineers and Doctor of Veterinary Medicine, who are duly licensed by another State Licensing Agency; and providing a penalty for violation; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

By Senator Schwartz:

S. B. No. 151, A bill to be entitled "An Act providing for certain presumptions which shall arise from the amount of alcohol in the defendant's blood at the time of the alleged offense as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance in any criminal prosecution for a violation of any law of this State relating to driving an automobile or other motor vehicle while intoxicated or while under the influence of intoxicating liquor; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Schwartz:

S. B. No. 152, A bill to be entitled "An Act authorizing the Commissioners Court of any county bordering on the Gulf of Mexico or the tidewater limits thereof to regulate the speed of motor vehicles on beaches which are open and accessible to the public, and also to prohibit the littering of such beaches; providing for receptacles for such litter and posting of signs; providing that the Commissioners Courts of such counties may authorize sheriffs and other peace officers to enforce such regulations, authorizing such Commissioners Courts to provide fines for violations of these regulations within limitations; repealing Section 8 of Chapter 19, Acts

of the 56th Legislature, Second Called Session, 1959 (compiled as Article 5415d of Vernon's Texas Civil Statutes), and all other laws and parts of laws in conflict herewith; providing certain exceptions; restricting certain regulatory powers of the Commissioners Court; providing for severability; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Creighton:

S. B. No. 153, A bill to be entitled "An Act authorizing the Board of Regents of the Texas Woman's University to sell and convey certain land, located in Denton County, Texas, said land being a part of the Bertha Lakey Estate bequeathed to the Texas Woman's University to establish the Ray and Bertha Lakey Scholarship Fund to provide scholarships for worthy girls seeking a college education; prescribing the procedure, terms and conditions of sale; disposition of the proceeds; and declaring an emergency."

To the Committee on State Affairs.

By Senators Cole and Bates:

S. J. R. No. 18, Proposing an amendment to Section 49-b, Article III of the Constitution of Texas so as to authorize an increase in the total amount of bonds or obligations that may be issued by the Veterans' Land Board to Four Hundred Million Dollars (\$400,000,000.00); providing for the issuance of said bonds or obligations and the conditions relating thereto and the use of the Veterans' Land Fund; and providing for an election and the issuance of a proclamation therefor."

To the Committee on Constitutional Amendments.

By Senators Parkhouse, Krueger, Bates, Cole and Richter:

S. J. R. No. 19, Proposing an amendment to Section 49-d, Article III of the Constitution of the State of Texas, declaring state policy regarding optimum development of water reservoirs; providing for the use of the Texas Water Development Fund under such conditions as the Legislature may prescribe by general law in the acquisition and development of storage facilities and any system of works properly appurtenant

thereto; providing for the sale, lease or transfer of such facilities under general laws; providing for long-term contracts for water storage facilities; providing bonds issued for the Texas Water Development Fund shall not exceed Two Hundred Million Dollars (\$200,000,000); providing that anticipatory legislation shall not be invalid because of its anticipatory character; providing for the necessary election, form of ballot; and proclamation and publication.

To the Committee on Constitutional Amendments.

#### Senate Concurrent Resolution 18

Senator Blanchard offered the following resolution:

S. C. R. No. 18, Granting Dr. William Lansford permission to sue the State.

Whereas, Dr. William Lansford, 1804 34th Street, Lubbock, Texas, alleges that the State of Texas owes him a reasonable and fair charge for services rendered the State of Texas by answering certain interrogatories filed in the case of Felix Salas against the State of Texas; and

Whereas, Dr. William Lansford desires to institute suit against the State of Texas in order to determine what damages, if any, or other relief he is entitled to recover; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring,

(1) That Dr. William Lansford be granted and is hereby granted permission to sue the State of Texas in any court of competent jurisdiction on his claim for services alleged to have been rendered the state by answering interrogatories in the case of Felix Salas against the state;

(2) That in the event such suit is filed, service of citation or any other necessary process shall be had upon the Attorney General of the State of Texas; and

(3) That such case shall be tried as other civil cases reserving to either party the right of appeal; and, be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, as to the validity of any allegations or claims asserted in

said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in, and govern the trial of, other cases; and, be it further.

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by, or available to the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but that all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

#### Co-Author of Senate Joint Resolution 19, Senate Bills Nos. 144, 145 and 146

On motion of Senator Parkhouse and by unanimous consent Senator Richter will be shown as co-author of S. J. R. No. 19, S. B. No. 144, S. B. No. 145 and S. B. No. 146.

#### Senate Resolution 59

Senator Schwartz offered the following resolution:

Be It Resolved by the Senate of Texas that a new Rule 90 A. be added to the present rules of the Senate as follows:

90 A. No member of the Senate shall be prohibited from revealing to his constituency any of his own views on any matter or his vote on any matter, pending or having been decided by the Senate.

Be It Further Resolved that the Senate accordingly adopt this language as a new Rule to follow Rule 90 of the Senate in the Senate Rules.

The resolution was read and was referred to the Committee on Rules.

#### Senate Concurrent Resolution 19

Senator Krueger offered the following resolution:

S. C. R. No. 19, Extending Congratulations and Commending Texas Partners of the Alliance and Peru Partners of the Alliance.

Whereas, The Texas Partners of the Alliance, organized for the purpose of cooperating with the Government of the United States in its pro-



gram of developing closer ties of friendship with the countries of Latin America, through the Alliance for Progress Program, is doing a most worthy job of developing closer ties of mutual understanding with our sister state of Peru, and

Whereas, The Texas Partners of the Alliance is composed of patriotic citizens of Texas and their counterpart, the Peru Partners of the Alliance, composed of patriotic citizens of Peru, who are giving unselfishly of their time and efforts to help bring into fulfillment this program of mutual understanding and better relations, now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that the 59th Texas Legislature does hereby commend and congratulate the Texas Partners of the Alliance and the Peru Partners of the Alliance for the outstanding and meritorious work they are doing in the field of International understanding.

**KRUEGER  
HERRING**

The resolution was read.

On motion of Senator Krueger and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Concurrent Resolution 20

Senator Hazlewood offered the following resolution:

S. C. R. No. 20, Designating the University of Texas M. D. Anderson Hospital and Tumor Institute as a state agency to participate in the Southwest Region of the national cancer program, and authorizing the Board of Regents of the University of Texas to accept grants, donations and gifts from governmental and private sources.

Whereas, The University of Texas M. D. Anderson Hospital and Tumor Institute is the official agency for cancer for the State and is functioning as a regional center of the Southwest in cancer service, research and education, by reason of which it is recognized as a national asset; and

Whereas, An expanding attack is being considered at the national level as a result of the work of the Presidential Commission and a substantial appropriation has been recommended; and

Whereas, additions to the physical

facilities and the addition of personnel will be needed to fulfill this mission of expanding cancer research in keeping with the mandate contained in the original statute creating M. D. Anderson Hospital and Tumor Institute, namely, Article 2603e, Vernon's Civil Statutes of Texas; and

Whereas, Additional opportunities are being furnished to assist in acquiring physical facilities in the fulfillment of the mission of M. D. Anderson Hospital and Tumor Institute without the expenditure of state-appropriated funds; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that The University of Texas M. D. Anderson Hospital and Tumor Institute is hereby designated as the state agency to participate in the Southwest Region of the national cancer program, and the Board of Regents of The University of Texas is hereby authorized to accept grants, donations and gifts from governmental and private sources for the purpose of providing additional physical facilities and to carry out such programs at The University of Texas M. D. Anderson Hospital and Tumor Institute deemed necessary to accomplish the requirements of the state cancer program and the proposed federal program and to design, construct and locate such additions at the sole discretion of said Board.

The resolution was read.

On motion of Senator Hazlewood and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Concurrent Resolution 21

Senator Krueger offered the following resolution:

S. C. R. No. 21, Commending "Sam Houston's Texas" and its author Sue Flanagan.

Whereas, The greatest treasure possessed by the State of Texas is its precious heritage, and

Whereas, The vaunted present-day attainments, as tremendous as they are, merely reflect the tenacity and courage of our forefathers, and

Whereas, None ever surpassed the absolute brilliance and the pioneering accomplishments of the redoubtable Sam Houston, and

Whereas, The mighty deeds of this giant among early-day giants have just been astutely chronicled by Journalist Sue Flanagan in her "Sam Houston's Texas"; now therefore, be it

Resolved, That the Senate of the State of Texas, of the Fifty-Ninth Legislature, the House of Representatives concurring, express its wholehearted commendation of this documentary masterpiece, and be it further

Resolved, That "Sam Houston's Texas" be recommended as indispensable reading for all researchers and, above all, for our present generation which so urgently needs re-inspiration by great men such as our own Sam Houston.

The resolution was read.

On motion of Senator Krueger and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Concurrent Resolution 22

Senator Snelson offered the following resolution:

S. C. R. No. 22, Granting permission to H. L. Brown, et al., to sue the State.

Whereas, H. L. Brown, Jr., Clem E. George, Richard S. Brooks, David Fasken, Florence W. Lathrop, a widow, Tom Brown Drilling Co., and Oscar Bourg Drilling Company, hereinafter referred to jointly as "Brown," allege that Brown is the present owner of Oil and Gas Lease No. M-48501 (University of Texas Lease) from the State of Texas, acting by and through Earl Rudder, the Commissioner of the General Land Office, Lessor, to Pan American Petroleum Corporation, Lessee, dated October 22, 1957, recorded in Vol. 199, Page 67, Deed Records of Ward County, Texas, covering and affecting what is referred to in said lease as being Tract 142, the West part of Section 30, Block 18, University Lands, Ward County, Texas, containing 249.65 acres of land. Said lease was assigned to Brown by instruments dated the 26th day of April, 1962, recorded in Vol. 248, Page 369, and the 18th day of February, 1964, recorded in Vol. 269, Page 38, Assignment Records of Ward County, Texas, subject to certain overriding royalty interests; and

Whereas, On May 7, 1962 (within the primary term of said lease) Brown completed a gas well thereon and subsequently shut in said well and pursuant to the provisions of paragraph 2(b) of said lease paid shut-in gas royalty in the amount of \$1,200.00 to the Commissioner of the General Land Office, at Austin, Texas, which such payment was made on or about September 20, 1962; and

Whereas, The L. D. Crumley OPA No. 1 Well, Located 330 feet from the north line and 660 feet from the northwest corner of Section 38, A. J. Witson survey, Scrap File 7681, Ward County, Texas, (which said location is within 1000 feet of the lands covered by Brown's lease) was completed as a gas well on July 24, 1962, and put on production through sales of gas to The Nueces Company on or about October 15, 1962; and

Whereas, Brown, desiring to obtain a more advantageous gas purchase contract for both his benefit and for the State of Texas, declined to sell the gas producible from said lease to Nueces, but chose to wait until August 13, 1963, when Brown entered into a gas contract with Texaco Inc., which provided for a higher price per MCF of gas produced and sold and on October 14, 1963, Brown's well was connected and gas was delivered to Texaco Inc., pursuant to said contract; and

Whereas, On the 13th day of September, 1963, and again on January 14, 1964, (as supplemented on February 17, 1964) the Commissioner of the General Land Office made written demand that Brown pay compensatory royalty to the State because of the production being had from the Crumley OPA well even though the Brown lease was then being held for a one year period from October 22, 1962, by virtue of Brown's previous payment of shut-in gas royalty as indicated above; and

Whereas, Under written protest, Brown on the 17th day of February, 1964, paid to the Commissioner of the General Land Office, at Austin, Texas the sums of \$6,954.54 and \$328.88, being the amount claimed by said Commissioner as compensatory royalty as aforesaid, plus interest then claimed to be due on said amount, and requested that such sums be held in a proper suspense account pending final determination of the question as to whether or not

compensatory royalty was due under the facts above set out; and

Whereas, It is to the best interest of the State of Texas and Brown to have a judicial determination made as to the necessity of payment of compensatory royalty under the above stated facts; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that H. L. Brown, Jr., Clem E. George, Richard S. Brooks, David Fasken, Florence W. Lathrop, a widow, Tom Brown Drilling Co., and Oscar Bourg Drilling Company be, and they are hereby granted permission to sue the State of Texas, the Commissioner of the General Land Office and the members of the Board for Lease of University Lands, in their respective official capacities, in a court of competent jurisdiction in Travis County, Texas, for a refund in the amount of \$7,283.42, being the amount of compensatory royalty, plus interest, heretofore paid under protest by said parties to the Commissioner of the General Land Office, under the facts above set out, and for Declaratory Judgment construing paragraph 2(b) of the above referred to oil and gas lease in such a manner that no compensatory royalty, plus interest, was due and payable by Brown during the period of one year that such lease was extended through payment of shut-in gas royalty; or, in the alternative, if it is determined that such compensatory royalty was due and payable, then in that event, a proportionate part of the shut-in gas royalty heretofore paid should be refunded to Brown; and be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by or available to the State of Texas, or any of the

departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

#### **Local and Uncontested Bill Calendar Committee**

The President announced the appointment of the following committee pursuant to the provisions of S. R. No. 47 as the Local and Uncontested Bills Calendar Committee:

Senators Hall, Calhoun, Hardeman, Ratliff and Strong.

#### **House Concurrent Resolution 26 on Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 26, Relative to the establishment of Lyndon B. Johnson State Park.

The resolution was read.

On motion of Senator Crump and by unanimous consent the resolution was considered immediately and was adopted.

#### **House Concurrent Resolution 17 on Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 17, Congratulating the Rockwall High School football team, its coaches, managers, and supporting student body and faculty for winning the 1963 Class AA State Football Championship.

The resolution was read.

On motion of Senator Hall and by unanimous consent the resolution was considered immediately and was adopted.

#### **Senate Bill 13 on Second Reading**

Senator Parkhouse moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 13 be taken up for consideration at this time.

Senator Blanchard raised the Point of Order that a motion to suspend the rules is not debatable.

The President sustained the Point of Order.

The motion to suspend the rules prevailed by the following vote:

## Yeas—30

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

## Absent

Harrington

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 13, A bill to be entitled "An Act amending Article 7150, Vernon's Revised Civil Statutes, 1925, by adding a new section thereto to be known and designated as Section 22, so as to exempt from taxation property of the Grand Lodge of Texas, Ancient Free and Accepted Masons, together with property of its subordinate Lodges and appendant Orders, for so long as the property so exempted is owned by and exclusively used by said Grand Lodge of Texas or its subordinate lodges and appendant Orders, and not in whole or in part leased out to others or otherwise used with a view to profit; providing for the severability of provisions; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 13 on Third Reading

Senator Parkhouse moved that Senate Rules 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 13 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Senate Bill 14 on Second Reading

Senator Moore moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 14 be taken up for consideration at this time.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 14, A bill to be entitled "An Act authorizing the Texas Board of Corrections to convey certain state-owned land, and use proceeds from

the conveyance to purchase other land to be used for correction purposes; making an appropriation; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 14 on Third Reading

Senator Moore moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 14 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

#### House Concurrent Resolution 11 on Second Reading

The President laid before the Sen-

ate on its second reading the following resolution:

H. C. R. No. 11, In memory of General Douglas MacArthur.

The resolution was read.

On motion of Senator Blanchard and by unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

#### House Concurrent Resolution 21 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 21, In memory of Judge Elwood Fouts.

The resolution was read.

On motion of Senator Blanchard and by unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

#### Senate Bill 5 on Second Reading

Senator Herring moved that Senate Rules 116, 13, and 38 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 5 be taken up for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 5, A bill to be entitled

"An Act amending Section 2, Acts 1931, Forty-second Legislature, page 269, Chapter 163, as amended by Section 1, Acts 1947, Fiftieth Legislature, page 283, Chapter 173, as further amended by Section 1, Acts 1949, Fifty-first Legislature, page 1064, Chapter 549, and as further amended by Section 1, Acts 1949, Fifty-first Legislature, page 1098, Chapter 560, providing a clarification of procedures and methods for the issuance of time warrants by cities and counties; validating, ratifying, confirming and approving contracts, script warrants and time warrants and refunding bonds authorized by counties or cities (including Home-Rule cities); etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 5 on Third Reading

Senator Herring moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

#### Co-Authors of Senate Bill 138

On motion of Senator Moore and by unanimous consent Senators Kennard and Snelson will be shown as co-authors of S. B. No. 138.

#### Welcome and Congratulatory Resolutions

S. R. No. 55—By Senator Parkhouse: Extending congratulations to Garland Football Team, Coaches and Manager.

S. R. No. 56—By Senator Kennard: Extending welcome to Cecil Stokes and group of Explorer Scouts.

S. R. No. 57—By Senator Harrington: Extending welcome to Mr. and Mrs. Archie Walker of Orange.

S. R. No. 58—By Senator Harrington: Extending welcome to Mr. and Mrs. Neal Miller, Jr., of Orange.

S. R. No. 61—By Senator Kennard: Extending welcome to Mrs. Clyde Bays and a group of Campfire Girls of Fort Worth.

#### Adjournment

On motion of Senator Hardeman the Senate at 11:40 o'clock a.m. adjourned until 10:00 o'clock a.m. tomorrow.

## **In Memory of Tom Taylor**

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Senator Moore offered the following resolution:

(Senate Resolution 60)

Whereas, On Saturday, February 15, 1964, our Heavenly Father called from his earthly home, one of our outstanding citizens and a long-time resident of our city, Tom Taylor of Bryan, Texas; and

Whereas, He came to Bryan from his native Weatherford in 1928; and

Whereas, He held numerous positions throughout the years, primarily in the drug business; and

Whereas, He traveled for Southern Engraving of Houston before settling down in 1951 to manage his business formerly operated by his wife, Vesta; and

Whereas, He was a beloved citizen of our county, state, nation and community; and

Whereas, Mr. Taylor served his fellowman on the Campus of A & M University in the capacity of owner of Taylor's Variety Store and Taylor Real Estate in College Station as well as being vice president and member of the Board of Directors of the Bank of Commerce; and

Whereas, He was an active member of the A & M Methodist Church in College Station; now, therefore, be it

Resolved, That the Senate of Texas does hereby express its deep and abiding sympathy to the members of his family and that copies of this Resolution under the Seal of the Senate, be sent to his survivors, namely, his widow, Vesta of Bryan, Texas; his mother, Mrs. Katy Hardgraves of Fort Worth; two sisters, Mrs. Jimmy Yearly of Fort Worth and Mrs. Fred Majors of El Paso; and a brother, Herbert, of Weatherford; and be it further

Resolved, That a page be set aside in the Senate Journal as a memorial to Tom Taylor and that when the Senate adjourns today that it do so in his memory.

**MOORE**

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Crump and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.